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## Via Electronic FOIA Request Form

National Freedom of Information Officer  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (2822T)  
Washington, DC 20460  
(202) 566-1667

Re: **FOIA Request for Public Comments Received Regarding EPA's Ban on**

Dear FOIA Officer:

This is a request under the Freedom of Information Act.

I request that a copy of any documents containing the following information be provided to me:

**Request 1 – Written comments regarding EPA's proposed rules banning asbestos in brakes.**

All written comments received by the Environmental Protection Agency's (EPA) in response to the Federal Register notice of proposed rules regarding Asbestos; Response to Citizens' Petition, dated December 19, 1984. The Federal Register citation is 49 FR 49311-01.

According to the Federal Register notice, written comments are identified with the document control number OPTS-211015. The comments were addressed to TSCA Public Information Office (TS-793), Office of Toxic Substances, Environmental Protection Agency, Rm. E-107, 401 M. St., SW., Washington, D.C. 20460. The deadline to submit comments was March 18, 1985.

According to the Federal Register notice, the EPA was soliciting public comment in response to a petition it received from the Natural Resources Defense Council on September 12, 1984. The petition requested a ban on asbestos in both brakes for new cars, trucks, and in replacement brakes for existing vehicles. The EPA granted the petition and was taking public comment as part of its proceeding to address the possible risks posed by asbestos.

**Request 2 - Written comments regarding EPA's proposed rules phasing out asbestos in friction products.**

All written comments involving the EPA's proposed ban on asbestos friction products received in response to the EPA's Federal Register Notice of proposed rules regarding Asbestos; Proposed Mining and Import Restrictions and Proposed Manufacturing, Importation, and Processing Prohibitions, dated January 29, 1986. The Federal Register citation is 51 FR 3738-01.

According to the Federal Register notice, written comments are identified with the document control number OPTS-62036. The comments were addressed to Document Control Officer (TS-793), Office of Toxic Substances, Environmental Protection Agency, Rm. E-209, 401 M St. SW., Washington, DC 20460. The deadline to submit comments was April 29, 1986.

According to the Federal Register Notice, the EPA was soliciting public comments in response to its proposed rule under section 6 of the Toxic Substances Control Act (TSCA) to prohibit the manufacture, importation, and processing of asbestos in certain products, and to phase out the use of asbestos in all other products. This included banning asbestos friction products 5 years after the promulgation of the EPA's proposed rule.

Pursuant to the EPA's FOIA policy, please expedite my records request because my office represents a man who has Mesothelioma, which is a terminal cancer.

I understand that there may be charges associated with the retrieval, copying, and certification of the requested documents. We will pay all such charges as deemed reasonable under the Act but request notification of any costs exceeding \$25.

If my FOIA request is denied, please provide a determination letter explaining the reasons why the records are unavailable. I look forward to your response to this request.

You may contact me at [dwithers@kazanlaw.com](mailto:dwithers@kazanlaw.com) or 1-510-302-1000.

Regards,

/s/ Dawn withers  
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Dawn Withers